

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/782,586	ARONOFF ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jack M. Choules	2167	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to pappers filed 2 November 2005.
2. ☒ The allowed claim(s) is/are 1-19 and 21-34.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

### **REASONS FOR ALLOWANCE**

1. The following is an examiner's statement of reasons for allowance: The examiner finds the applicants arguments as presented in the appeal brief filed 31 October 2005 persuasive as to the 101 rejection and the 103 rejection. As to the 103 rejection (comments directed to claim one however independent claims 2, 17, 26, and 34 have similar limitations using alternative language), the examiner agrees that although Satoh et al (art previously applied and argued is only referred to by author) does detail two systems one being a shadow or backup of the other and the systems including logs and queues that are used to replicate information from an active system to the tracking site (column 5 lines 8-19 and column 5, lines 54-67) and does mention restoring a system following a failure (column 5 lines 20-30), Satoh does not provide the details of the restoration system in particular there is no "rolled back copy of the data files" and no "reconcile process which purges replication transaction from the poster queues when the replication transactions have already been applied to the recovered target system;" also Satoh it is clear that the primary database remains available during backup however Satoh is silent as to whether "the source database remains available during recovery of the recovered target database." Pagano as the applicants argument points out details purging log files rather than purging transactions from a queue also details purging log files older than a checkpoint or when transactions are committed to the database (this would be the primary or source database rather than transactions that have already been applied to a recovered target system) (see Pagano page 8). These basic differences derive from the fact that the purges Pagano take place during the

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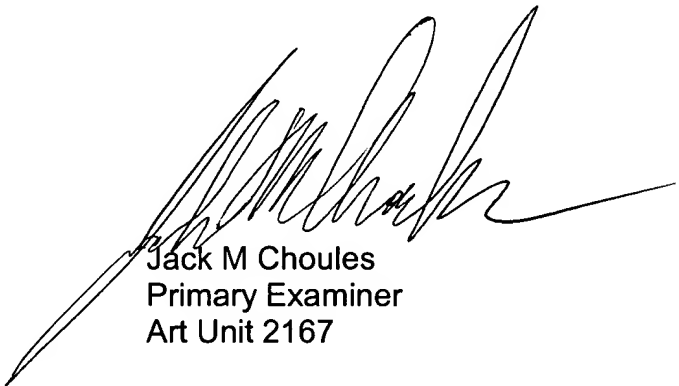
backup of the information, where the claimed invention is directed to purging during recovery of a target system as the claim states, "when the replication transactions have already been applied to the recovered target system." Strom et al. Patent No. 4,665,520 Shows a system including a "source system" (column 6 lines 41-52 and column 9 lines 27-32); "a recovery system" (column 13, lines 56-68); "a replication system" (column 3, lines 61-68 and column 4 lines 1-20); "transaction level poster queues" (column 6 lines 18-53 and column 9 lines 34-68); and "by rolling forward" column 13 lines 56-68) however Storm et al does not detail "a reconcile process which purges replication transaction from the poster queues when the replication transactions have already been applied to the recovered target system;" nor would it be obvious to combine art that includes purging as in Storm et al the purging in the queue is of duplicate entries (column 3, lines 61-68 and column 4 lines 1-20) and multiple check points and used and roll backs and replays may be repeated more than once so transactions an checkpoints are maintained in the queues (figure 3 index 202, figure 4 and column 14 lines 1-18). Thus claims 1, 2, 17, 26, and 34 as allowable for at least the reasons discussed hereinabove and further reasons set forth in applicants arguments claims 3-16, 18, 19, 21-26, 27-33 are allowable for at least the reasons set forth above as dependent on allowable claims and may also have further reasons for allowability.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack M. Choules whose telephone number is (571) 272-4109. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jean R. Homere can be reached on (571) 272-3780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jack M Choules  
Primary Examiner  
Art Unit 2167

23 January 2006